

REMARKS

Response to Restriction Requirement

The Examiner requires that Applicants elect a single nucleic acid (i.e., SEQ ID NO: 1 or 3) encoding an amino acid sequence (SEQ ID NO: 2 or 4).

Applicants hereby provisionally elect SEQ ID NOS: 3 and 4 **with traverse**.¹ Applicants reserve their right to request rejoinder in the instant application and to file one or more divisional applications to the non-elected subject matter.

Traverse

Applicants acknowledge that SEQ ID NOS: 1 and 3 are not identical, but submit that they encode proteins having OK1 activity (i.e., SEQ ID NOS: 2 and 4, respectively) and share a phosphohistidine domain (SEQ ID NO: 5). Accordingly, Applicants submit that SEQ ID NOS: 1-4 should be examined together.

In view of the above remarks, it is respectfully requested that the Restriction Requirement be withdrawn and that SEQ ID NOS: 1-4 allowed to be prosecuted in the same patent application. In the event that the requirement is made final and in order to comply with 37 C.F.R. § 1.143, Applicants reaffirm the election with traverse of SEQ ID NOS: 3 and 4.

¹ The USPTO contends that claims 1-2, 4, 6-17, 19-24, 26-28, 30-32, and 34-43 are generic to SEQ ID NOS: 3 and 4. *See* Restriction Requirement, page 2. Applicants note, however, that only claims 2 and 16 include SEQ ID NOS.

CONCLUSION

In view of the foregoing, Applicant respectfully requests an indication of allowance of all claims. If the Examiner has any questions relating to this response, or the application in general, he is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

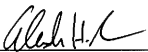
This response is being filed within the one month shortened statutory period. Accordingly, no fees are due. Should any fees be required to enter and consider this response, however, the USPTO is authorized to charge such fees to Deposit Account No. 50-0206.

Respectfully submitted,

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Dated: November 2, 2009

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